

# HOUSE . . . . . No. 2303

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Martin J. Walsh**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to Massachusetts port safety.

PETITION OF:

NAME:

Martin J. Walsh

DISTRICT/ADDRESS:

13th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2404 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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### **AN ACT RELATIVE TO MASSACHUSETTS PORT SAFETY.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The following words, as used in this act, shall have the following meanings:—

2           “Barge”, a non-self-propelled vessel carrying hazardous cargos, as defined herein, in bulk or residues  
3           from said cargos.

4           “Docking pilot”, a person qualified under the regulations promulgated pursuant to this act, aboard a  
5           regulated vessel, who is responsible for overseeing and coordinating the vessel’s transit escort or assisting  
6           with the mooring or unmooring of the regulated vessel.

7           “Escort Vessels”, commercial harbor tugboat and towboat vessels conducting ship assist and escort  
8           services.

9           “Harbor Transit”, the passage of a regulated vessel within a Massachusetts Port.

10          “Hazardous Cargos”, gaseous, liquid or bulk cargos consisting in whole or in part of petroleum or  
11          hazardous substances as defined in section 1 of chapter 94B of the General Laws.

“Massachusetts Ports”, the waters of the Commonwealth contiguous to the navigable waters of the United States which receive regulated vessels including Boston Harbor, Chelsea, Everett, Revere, Quincy and Quincy Bay, Dorchester Bay, Weymouth Fore River, Weymouth Town River and Salem Harbor, all as shown on the most current United States National Oceanic and Atmospheric Administration Nautical Charts.

“Office of Public Safety”, the Commonwealth of Massachusetts Executive Office of Public Safety.

“Petroleum”, insoluble or partially soluble oils of any kind or origin or in any form, including, without limitation, crude, waste or fuel oils and gasoline, lube oil or sludge, and their insoluble or partially insoluble derivatives.

“Regulated Vessels”, inbound and outbound tanker ships, freighters, barges, and other vessels conveying bulk hazardous cargos.

“Tanker Ship”, a self-propelled vessel carrying hazardous cargos in bulk or residues from said cargos.

“Transit Escort”, one or more tug or tow boats escorting or assisting a regulated vessel during a harbor transit.

SECTION 2. Notwithstanding the provisions of chapter 102 or chapter 103 of the General Laws or any other general or special law to the contrary, the office of public safety, or any agency within said office so designated by the secretary of the office of public safety, shall promulgate regulations governing harbor transits and regulated vessels and escort vessels conducting said harbor transits in Massachusetts Ports. The regulations shall address the safety and environmental concerns posed by regulated vessels and escort vessels engaged in the harbor transit and maneuvering in close quarters of cargos defined as hazardous by this act. Said regulations shall include, but not be limited to, the required use of a qualified docking pilot for harbor transits, and:

34 (i) the training, experience and qualifications for docking pilots;

35 (ii) the number and type of escort vessels required for various regulated vessels, their cargos and for  
36 various harbor transits;

37 (iii) for escort vessels:

38 a) requisite equipment;

39 b) crew training;

40 c) crew complement;

41 d) record keeping and reporting requirements;

42 e) mechanisms for oversight of the regulations promulgated  
43 hereunder, which may include private, third-party auditors;

44 f) specific conditions and operations occurring in each Massachusetts Port; and

45 g) support of emergency services.

46 In drafting its regulations, the office of public safety or its designee shall seek input from the Captain of  
47 the Port of Boston; harbor pilots; docking pilots; tug and barge operators; shipping agents; terminal  
48 operators; harbor masters, fire and police departments from the municipalities in which the Massachusetts  
49 Ports are located; the Massachusetts State Police, Massachusetts Office of Coastal Zone Management,  
50 Massachusetts Port Authority, and the Environmental Business Council of New England. The office  
51 of public safety, or any agency within said office so designated by the secretary of the office of public  
52 safety, shall be responsible for the enforcement of the provisions of this act and any regulation

53 promulgated pursuant to this act, and in doing so may enter into agreements or other instruments with  
54 agencies or independent authorities of federal, state, county, regional or municipal government that  
55 provide for the cooperative enforcement of this act.

56 SECTION 3. The office of public safety or its designee shall promulgate regulations governing regulated  
57 vessels and escort services operating in Massachusetts Ports in accordance with the foregoing not later  
58 than 120 days from the effective date of this act.